



ATTORNEY DOCKET NO. HAR66 818

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Patent Application of James E. Tatum, Jr.

JUL 26 2004

Serial No.: 09/488,313

Art Unit: 2631

OFFICE OF PETITIONS

Filed: January 20, 2000

Examiner: Tesfaldet Bocure

Title: AUTOMATED FREQUENCY COMPENSATION FOR REMOTE
SYNCHRONIZATION

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Sir:

This communication is responsive to a teleconference held between Applicant and Examiner Bocure on June 9, 2004 discussing the status of the subject application.

In brief, the Applicant timely responded to the Advisory Action dated November 19, 2003 on December 1, 2004, thereby placing the application in condition for allowance, however the application serial number on the transmittal accompanying the response (copy attached as Exhibit 1) was incorrect. Yet the amendment itself was correctly referenced. The Applicant requests withdrawal of the holding of abandonment and entry of the timely filed amendment.

An Advisory Action was mailed to Applicant stating that Claims 1-52 were allowed, Claims 53-55 and 61 were rejected and Claims 56-60 were objected to. The Applicant submitted an Amendment on December 1, 2003 responsive to the Advisory Action canceling Claims 53-55 and 61 and amending Claims 56, 59 and 60 to thereby place the application in condition for allowance. This document was filed along with a Post Card (copy attached as Exhibit 2) identifying the document. The U.S. Patent and Trademark Office's stamp dated December 1, 2003 indicates that this document was timely received at the Office.

Applicant respectfully requests reconsideration and withdrawal of abandonment.

The Amendment dated December 1, 2003 correctly identified the serial number, title and filing date of the subject application. However, while the transmittal and the Post Card correctly identified the Application title, Art Unit and current examiner, they incorrectly identified the serial number and filing date of the subject application.

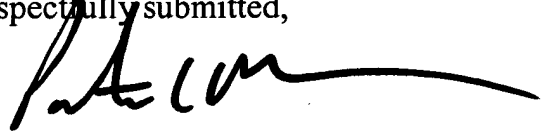
Upon inquiry to the status of the Application and discussion with the examiner, the Applicant discovered the abandoned status of the subject application and that the examiner has been unable to locate the Amendment dated December 1, 2003.

For these reasons, Applicant respectfully submits that the abandonment of the subject application is unwarranted and requests reconsideration and withdrawal thereof. Further, Applicant submits that the Amendment dated December 1, 2003 places the subject application in condition for allowance and solicits a notice of allowance.

Although it is believed that no fee is due for this Petition, the Office is hereby authorized and requested to charge any appropriate fee required for this Petition against Deposit Account No 04-1679.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



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Dated: July 22, 2004



EXHIBIT 1

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EXHIBIT 2



HAR66-818

In re the Patent Application of James E. Tatum, Jr.

Serial No.: 09/733,995

Art Unit: 2631

Filed: December 12, 2000

Examiner: Mohammad H. Ghayour

Title: AUTOMATED FREQUENCY COMPENSATION FOR REMOTE
SYNCHRONIZATION

Papers enclosed: Two Transmittals, an Amendment in response to the
Advisory Action dated November 19, 2003 for the above-identified Application.

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